UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,289	03/15/2001	Koji Imura	L 9289.01121	6220

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EXAMINER
RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
2613	5

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .   6) ☐ Other: .

DETAILED ACTION

Drawings

1.   The informal drawings filed in this application are acceptable for examination purposes.

When the application is allowed, applicant will be required to submit new formal drawings.

Specification

2.   The lengthy specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting any

errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

4.   Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hannuksela et

al., (hereinafter referred to as "Hannuksela").

Hannuksela discloses a coding apparatus of a time varying image signal (Hannuksela:

figure 3), said apparatus comprising : intra-coding means for performing intra-coding

(Hannuksela: column 13, lines 30-40) in which coded block formed by division of a time-

varying image signal to a plurality of blocks are coded as they are (Hannuksela: column 10, lines

12-26); and a coding controlling means for performing control of coding (Hannuksela: column

13, lines 55-65) so that successive intra-coding of N pictures are performed from a beginning of

a communication (Hannuksela: column 14, lines 1-15), as in claim 1.

Regarding claim 2, Hannuksela discloses coding control means makes picture qualities of

(N-1) rough and the Nth picture fine (Hannuksela: column 9, lines 35-45; column 10, lines 33-

50), as in the claim.

Hannuksela discloses a base station apparatus including a coding apparatus of a time

varying signal (Hannuksela: figure 1; column 8, lines 47-53), said coding apparatus comprising :

intra-coding means for performing intra-coding (Hannuksela: column 13, lines 30-40) in which

coded block formed by division of a time-varying image signal to a plurality of blocks are coded

as they are (Hannuksela: column 10, lines 12-26); and a coding controlling means for performing

control of coding (Hannuksela: column 13, lines 55-65) so that successive intra-coding of N

pictures are performed from a beginning of a communication (Hannuksela: column 14, lines 1-

15), as in claim 3.

Hannuksela discloses a communication terminal including a coding apparatus of time-

varying image signal (Hannuksela: figure 2; column 8, lines 53-67), said coding apparatus

comprising : intra-coding means for performing intra-coding (Hannuksela: column 13, lines 30-

40) in which coded block formed by division of a time-varying image signal to a plurality of

blocks are coded as they are (Hannuksela: column 10, lines 12-26); and a coding controlling

means for performing control of coding (Hannuksela: column 13, lines 55-65) so that successive

intra-coding of N pictures are performed from a beginning of a communication (Hannuksela:

column 14, lines 1-15), as in claim 4.

Hannuksela discloses a decoding apparatus of a time-varying image signal (Hannuksela:

column 9, lines 43-51), said apparatus comprising: decoding means for decoding an image-coded

data (Hannuksela: column 9, lines 52-67); memorizing means for memorizing position

information of a coded block in a time-varying image signal (Hannuksela: column 11, lines 40-

67; column 12, lines 1-20), the coded block corresponding to an image-coded data that could not

be correctly decoded owing to a transmission error (Hannuksela: column 10, lines 1-23), in a

case where said image-coded data is an image-coded data after performing of intra-coding

thereof (Hannuksela: column 13, lines 34-40); and requiring for ascertaining whether a coded

block that could not correctly be decoded even once exists in said memorizing means or not

when a first image-coded data after performing of motion compensated prediction thereof from a

beginning of communication is received (Hannuksela: column 13, lines 10-32), and for requiring

transmission of a picture after performing of intra-coding thereof when existence of the coded

block, which has not been decoded correctly, is ascertained (Hannuksela: column 14, lines 1-34),

as in claim 5.

Regarding claim 6, Hannuksela discloses not performing decoding of the image-coded

data after performing of the motion compensation prediction coding thereof in a case where the

coded that could not correctly be coded even once exists in said memorizing means when the

first image-coded data after performing of the motion compensation prediction coding from the

beginning of the communication is received (Hannuksela: column 10, lines 23-65), as in the

claim.

Hannuksela discloses a base station (Hannuksela: column 8, lines 47-53) including a

decoding apparatus of a time-varying image signal (Hannuksela: column 9, lines 43-51), said

decoding apparatus comprising: decoding means for decoding an image-coded data (Hannuksela:

column 9, lines 52-67); memorizing means for memorizing position information of a coded

block in a time-varying image signal (Hannuksela: column 11, lines 40-67; column 12, lines 1-

20), the coded block corresponding to an image-coded data that could not be correctly decoded

owing to a transmission error (Hannuksela: column 10, lines 1-23), in a case where said image-

coded data is an image-coded data after performing of intra-coding thereof (Hannuksela: column

13, lines 34-40); and requiring for ascertaining whether a coded block that could not correctly be

decoded even once exists in said memorizing means or not when a first image-coded data after

performing of motion compensated prediction thereof from a beginning of communication is

received (Hannuksela: column 13, lines 10-32), and for requiring transmission of a picture after

performing of intra-coding thereof when existence of the coded block, which has not been

decoded correctly, is ascertained (Hannuksela: column 14, lines 1-34), as in claim 7.

Hannuksela discloses a communications terminal (Hannuksela: column 8, lines 53-67) including a decoding apparatus of a time-varying image signal (Hannuksela: column 9, lines 43-51), said decoding apparatus comprising: decoding means for decoding an image-coded data (Hannuksela: column 9, lines 52-67); memorizing means for memorizing position information of a coded block in a time-varying image signal (Hannuksela: column 11, lines 40-67; column 12, lines 1-20), the coded block corresponding to an image-coded data that could not be correctly decoded owing to a transmission error (Hannuksela: column 10, lines 1-23), in a case where said image-coded data is an image-coded data after performing of intra-coding thereof (Hannuksela: column 13, lines 34-40); and requiring for ascertaining whether a coded block that could not correctly be decoded even once exists in said memorizing means or not when a first image-coded data after performing of motion compensated prediction thereof from a beginning of communication is received (Hannuksela: column 13, lines 10-32), and for requiring transmission of a picture after performing of intra-coding thereof when existence of the coded block, which has not been decoded correctly, is ascertained (Hannuksela: column 14, lines 1-34), as in claim 8.

Hannuksela discloses a coding method of a time varying image signal (Hannuksela: figure 3), said method comprising : intra-coding step for performing intra-coding (Hannuksela: column 13, lines 30-40) in which coded block formed by division of a time-varying image signal to a plurality of blocks are coded as they are (Hannuksela: column 10, lines 12-26); and a coding controlling step for performing control of coding (Hannuksela: column 13, lines 55-65) so that successive intra-coding of N pictures are performed from a beginning of a communication (Hannuksela: column 14, lines 1-15), as in claim 9.

Hannuksela discloses a decoding method of a time-varying image signal (Hannuksela: column 9, lines 43-51), said method comprising: a decoding step for decoding an image-coded data (Hannuksela: column 9, lines 52-67); a memorizing step for memorizing position information of a coded block in a time-varying image signal (Hannuksela: column 11, lines 40-67; column 12, lines 1-20), the coded block corresponding to an image-coded data that could not be correctly decoded owing to a transmission error (Hannuksela: column 10, lines 1-23), in a case where said image-coded data is an image-coded data after performing of intra-coding thereof (Hannuksela: column 13, lines 34-40); and a requiring step for ascertaining whether a coded block that could not correctly be decoded even once exists in said memorizing means or not when a first image-coded data after performing of motion compensated prediction thereof from a beginning of communication is received (Hannuksela: column 13, lines 10-32), and for requiring transmission of a picture after performing of intra-coding thereof when existence of the coded block, which has not been decoded correctly, is ascertained (Hannuksela: column 14, lines 1-34), as in claim 10.

Regarding claim 11, Hannuksela discloses not performing decoding of the image-coded data after performing of the motion compensation prediction coding thereof in a case where the coded that could not correctly be coded even once exists in said memorizing means when the first image-coded data after performing of the motion compensation prediction coding from the beginning of the communication is received (Hannuksela: column 10, lines 23-65), as in the claim.

Priority

5.   Applicant cannot rely upon the foreign priority papers to overcome this rejection because

a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See

MPEP § 201.15.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Chang discloses an intelligent error resilient video encoder.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The

examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)-305-4700.

                                        Andy S. Rao
                                        Primary Examiner   ANDY RAO
                                        Art Unit 2613   PRIMARY EXAMINER

asr
October 7, 2003